

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4267 of 1997

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For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 No

BAKALI SALE MAMAD HASAM

Versus

STATE OF GUJARAT

Appearance:

MR CH VORA for Petitioner
Mr.Mukesh Patel, learned AGP
for Respondent No. 1, 2

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 23/10/97

ORAL JUDGEMENT

Rule. Mr.Mukesh Patel waives service of Rule on behalf of respondents. On the request of both the sides the matter is taken up for final hearing.

The dispute relates to the land out of S.No.848 situated at Bhuj, District Kutch. The only grievance

pressed by the petitioner is that his application for permission to use this land for non agricultural purposes is pending since 1993 and the application for regularisation is also pending since long. The factum of the pendency of the applications for permission for non agricultural use and regularisation since long is not disputed.

In the facts and circumstances of this case, it will suffice to meet the ends of justice if the respondents are directed to decide the petitioner's applications for permission for non agricultural use and for regularisation in the light of the representation dated 17/18-3-1997. Accordingly it is directed that the respondents shall decide the petitioner's application for permission for non agricultural use and application for regularisation keeping in view the submissions made in the petitioner's representation dated 17/18-3-1997 and both these applications shall be decided at the earliest possible opportunity but in no case later than a period of 3 months from the date the certified copy of this order is produced before the concerned authority. Ordered accordingly. This Special Civil Application is partly allowed as above and the Rule is also made absolute to the extent as above. No order as to costs.